

REMARKS

The Examiner is thanked for his second office communication. In reply, a few key paragraphs of the present application should be reviewed, for a clear understanding of the present invention.

"Seventeen percent of Americans, about 40,000,000 people, sing in the shower (American Standard Co. survey, 1999). However, as folksinger Pete Seeger has pointed out, the average singer knows many song melodies, but few of the lyrics. An aid enabling singers in the shower to learn all the lyrics of popular songs might therefore sell millions of copies-- and help singers everywhere." (See Application, pages 3-4)

"This invention aids singing in the shower. A preferred embodiment is a waterproof book of song lyrics which when wetted adheres to the shower wall. For best adhesion, the book has the slim proportions of a magazine (e.g. 8.5" x 11" x 1/4") or pamphlet (e.g. 5.5" x 8.5" x 1/16"). It is flexibly bound so its wet pages adhere flat to the wall and one another. It is easily moveable on the wall for eye level viewing by children and adults of different heights. Its large (e.g. 18-point) font sizes are easy to read in shadowy light and streaming water. For thicker books, additional support by suction cups or brackets can be provided. Also disclosed are waterproof posters adhering wet to the shower wall and displaying lyrics, photos of musicians, or other art. A series of waterproof lyrics collections (CDs possibly included) would offer singers in the shower all the best of popular song." (See Application, page 1)

The question should be asked, why, considering such potential benefit and profit, has no one thought of the present invention before? Because despite its simplicity, the invention has been far from obvious to anyone. Nor, contrary to this second office action, are the claims, as now restated, at all obvious from Logan's Teaching Method And Kit (U.S. Patent 5,944,531) in view of Foley's Oral Hygiene Instructional Display (U.S. Patent 5,944, 531). All the claims in their present form should be granted.

The simplicity of the present invention should be emphasized, especially its -- great advantage, enabling low-cost manufacture and ease of use. The preferred embodiment (Figs. IA and IB) is a slim songbook of waterproof pages supported by water adhesion on a shower wall. At its most complex (Fig. 2), the invention adds two supporting suction cups. At its simplest (Figs. 7 A and 7B), it's a single waterproof sheet of lyrics wetted to the shower wall.

The present lyrics display lacks the complexity of Logan's Teaching Method And Kit. It needs no additional teacher's "activity book" (his Figs. 3 and 4), sets of matching icon cards (Fig. 6), or sets of sound recordings (Figs. 5 and 7). It requires no cutting out or pasting (Fig. 8). It involves no matching of icons (Col. 9, line 3), handing back and forth of cards (Col. 9, lines 29-33) or recordings (Col. 9, lines 8-10), or insertions of recordings (Col. 9, line 9) into players.

The present lyrics display lacks the even greater complexity of Foley's Oral Hygiene Instructional Display. It has no rigid body (12) of plastic, rubber, or metal (Col. 4, lines 49-50); no diagrams of teeth (Fig. 1) with flashing illumination (Col. 4, line 23-25); no on/off toggle (24) or mode toggles (26); no lighted digital display (20); no speaker (22); no internal audible source or timer (Col. 4, line 26); and no computer chips or batteries (undisclosed). For support, the

songbook of the present invention needs no adhesive, velcro, glue, screws, hooks, or stands (Col. 4, lines 64-66). It only needs to be wet.

Neither of the cited patents teaches the present invention, nor does their combination. (Indeed, mixing the features of Logan and Foley would not produce anything very useful.) Logan's only possible relevance is that it contains song lyrics (24). Foley's only possible relevance is that, without any supporting detail, he mentions the word "waterproof" (Col. 4, line 52); the word "shower"(Col. 4, line 53); and the word "suction cups" (Col. 4, line 66).

Some definitions in the present application should be reviewed (Page 3, Par. 5). Clearly, in the present context, waterproof means waterproof in the extremely wet conditions of a shower . (Try filling a tub from the showerhead-- it equals a torrential rain of several feet per hour). And use in a shower means when the water's running.

The Examiner admits that Logan's Teaching Method And Kit is not waterproof. It is obviously meant for a dry classroom. Even if made waterproof, any use while showering would be absurd. (Is the student nude? Is the teacher nude also? Are both showering while clothed?) Foley's teaching methods involve handing icon cards between student and teacher (his Col. 9, lines 29-33). Even worse (if showering) handling sound recordings (Col. 9, lines 8-9). Worse yet, inserting these recordings (Col. 9, lines 9-10) wet from showering into an audio player-- a fine way to get electrocuted.

So Foley's mention of "waterproof" and "shower" does not make Logan's Kit usable in a shower enclosure. Furthermore, these casual statements of Foley's are entirely without

any supporting detail! Specifically how does he assemble and seal his box of vulnerable electronics against water penetration? How, in his Figure 1, is water prevented from entering the open holes of speaker 22? Or entering at on/off switch 24? Or mode toggle 26? Or in a port, which Foley doesn't show, for changing batteries? Yes, electronic devices of this sort (e.g. cell phones) can survive a few raindrops. Maybe even a little splatter from the bathroom sink. But survive the daily downpour of a shower? No, Foley does not teach the extreme waterproofing required by the present invention. And even if Foley did teach it, going into detail (seals, tolerances of fit, etc.), his specifics could still not waterproof Logan's book, or teach the simple solution of the present invention: waterproof paper used as a component of the lyrics display.

Like Logan's teaching kit, Foley's Oral Hygiene Instructional Display in the shower is absurd. Washed or elbowed off the wall into a part-filled tub, will the circuits short? Will the batteries (voltage undisclosed) cause electric shock? Will the plastic (fragility undisclosed) shatter and cut one's feet? Finally, what rare bird brushes his teeth in the shower? What small child, learning to brush while peering at flashing dental diagrams, needs the additional distraction of water flooding his eyes and mouth? Foley's claim of use in the shower is nonsense.

With reference to the preferred embodiment there is disclosed, a waterproof book of lyrics supported by water adhesion (Figs. IA and IB of the present application). A thin water film 13 is provided, which adheres book 12 to shower enclosure surface 10. To maximize this adhesion, the book is light in weight and proportioned as a slim magazine (page 8, Par. 2) or pamphlet (page 8, Par. 4). It can even be a single sheet (Figs. 7 A and 7B) of water-proof paper 26 with thin water film 27 adhering to surface 10.

Even if both Logan and Foley taught perfect waterproofing-- neither of them, or any cited prior art, teaches support by water adhesion. Logan does not even address the weight of his book, or the slim proportions needed for water adhesion. Neither patent shows a water film.

Secondary embodiments of the display of the present invention (Figs. 2 and 3) are supported by suction cups (Figs. 4A, 4B, 4C). These suction cups-- like the water adhesion support-- make the display readily attachable (Page 2, Par. 2) and readily detachable on the shower wall, both display and wall remaining intact (Page 3, Par. 1). The suction cups also make the display "easily moveable on the wall, for eye level viewing by children or adults of different heights standing in the shower" (Page 3, Par. 2). These same remarks apply to bracket suction cup 24 (Figs. 5 and 6, and Page 11, Par. 3).

Again, let us attend to definitions. The present application makes clear that readily attachable, detachable, and easily moveable mean you can just wet the disclosed lyrics book, slap it on the wall (Page 8, Par. 1), peel it off again (page 3, Par 1), or slide it around (page 8, Par. 1). Or you can slap up a suction cup, peel it off, slide it around. It's that readily done. That

easy. Anywhere in the shower enclosure. No fasteners. No tools. No cleanup. No scars on the wall.

Logan, of course, does not address support means at all. Regarding Foley, the Examiner (office action Page 3, Par. 1) argues that by listing adhesive, velcro, glue, screws, hooks, stands, and suction cups, Foley implies his display is removable or adjustable to accommodate different users, and that said means listed could support Logan.

Let us review that list. Adhesives or glues able to survive constant showers are not easily moveable. They do not leave a wall intact (Page 3, Par. 1), they leave scars. A “velcro” patch requires one or more answering patches glued to the wall-- unsightly scars in themselves. The movability provided by velcro patches is very limited, and removal leaves scars too. Screws and hooks, as argued before, are immovable, require tools to install, and leave scars. Likewise with glued or screwed stands. Note that Logan does not disclose wall mounted stands like the disclosed bracket (Figs. 5 and 6). Aside from his list, Logan does not discuss, or show a drawing of any of these means. It's not obvious at all how any of them could integrate with Foley's book. None of them would be as easily attachable, detachable, and moveable as in the present invention.

The only suggestion on Logan's list possibly relevant to the application is suction cups, which he mentions only once (his Col. 4, line 66). As before, he gives no supporting details, no drawing. Some large suction cups, or sets of smaller ones, are not easily moveable. Are his suction cups double sided-- projecting his display to be knocked down by a careless elbow? Does he intend the common suction cups with metal hooks that rust? And how exactly would

his suction cups integrate with Foley's pages? Logan's passing mention of "suction cups" does not teach their use in Foley. And it does not teach the specific suction cups (Figs. 2 - 6 and Page 9, Par. 4 through Page 11, Par. 3), of the present application or their specific integration into several embodiments of the invention, or their specific uses therewith.

In summary, all claims now in the case which cite water adhesion support of waterproof song lyrics for singing in the shower should be granted. This includes claims 1, 2, 5, 6, 16, 18, 24, 25, 26, 27, 28, 29, 32, 33, and 34.

Also, all claims now in the case which cite suction cup support of waterproof song lyrics for singing in the shower should be granted. This include claims 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 21, 22, 23, and 36.

Finally, claims 35 and 37 should be granted.

The Examiner is invited to call George Gottlieb, Esq., at Gottlieb, Rackman & Reisman, P.C., telephone no. (212) 684-3900 to discuss this application.

A check in the amount of \$55.00 is enclosed herewith to cover fee for filing The Petition For Extension of Time. If any additional fee is required, Commissioner is

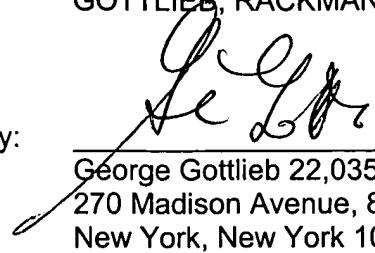
hereby authorized to charge the amount of any such fee to the Deposit Account No.07-1730, Docket No. 1136-032.

Dated: New York, New York

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Respectfully submitted,

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